IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE A.K.BASHEER

FRIDAY, THE 22ND JUNE 2007 / 1ST ASHADHA 1929

WP(C).No. 19279 of 2007(T)

PETITIONER:

BALAN MEETHAL, AGED 59 YEARS, S/O.
CHATHU, CLERK - CASHER, UNION BANK OF INDIA,
KOZHIKODE MAIN BRANCH, KOZHIKODE, RESIDING AT
"TIRANGA", 28/3118-A, KUTHIRAVATTOM P.O.,
KOZHIKODE-673 016.

BY ADV. SRI.MILLU DANDAPANI

RESPONDENTS:

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1. STATE OF KERALA, REPRESENTED BY
THE SECRETARY, DEPT. OF GENERAL EDUCATION,
GOVERNMENT SECRETARIAT, TRIVANDRUM-695 001.

2. THE COMMISSIONER OF GOVERNMENT
EXAMINATIONS, TRIVANDRUM.

BY GOVERNMENT PLEADER SMT.SUDHA

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 22/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

A.K.BASHEER, J.

W.P.(C)No.19279 OF 2007

Dated this the 22nd day of June, 2007

JUDGMENT

Petitioner who is a Bank employee and on the verge of retirement (hardly one month is left even according to the petitioner), has preferred this writ petition with a prayer to issue a writ of certiorari to quash Ext.P8 order passed by respondent no.2, Commissioner of Government Examinations way back in the year 1999 rejecting his prayer for correction of the date of birth. Of course, there is a further prayer to issue a writ of mandamus or such other appropriate writ or direction to respondent no.1 to dispose of Ext.P9 appeal preferred by him 'after taking into account the documents and evidence adduced by him'. Petitioner further prays for a declaration that he is entitled to get his date of birth corrected from 7.7.1947 to 19.6.1949 in his SSLC book and also in the service register of the Bank.

2. A brief reference to the essential facts may be necessary to consider the question whether the petitioner is entitled to get the reliefs aforesaid.

3. It is admitted by the petitioner that in the school records as well as in his service records in the Bank, his date of birth is shown as 7.7.1947. Similarly, the same date was shown in the Army records also. There is no dispute that petitioner had joined the army and got his discharge on medical grounds. He had joined the Bank in the year 1984 after his boarding out from the army in the year 1981. According to the petitioner, some time in the year 1996 he had occasion to verify his horoscope and from that document he realised that his actual date of birth is June 18, 1949. Thus, started his pursuit for correction of his date of birth.

4. He moved the Government for correction of his date of birth in his school records with a petition to condone delay. Of course, the delay was condoned as revealed from Ext.P5. Thereafter, petitioner approached the Government requesting for correction of date of birth in his school records including SSLC book. The said request was considered by the Government and rejected as revealed from Ext.P8.

5. The above order was passed by the Government in November 1999. Petitioner contends that he had preferred

Ext.P9 appeal before the Government against Ext.P8 order in the year 2000. It is further contended by him that he had reminded the Government about the appeal on one or two occasions and requested for an expeditious decision, but to no avail. Lastly, in April 2007 petitioner had again submitted Ext.P11 representation. But still no action has been taken. It is in the above circumstances that the petitioner has prayed for a direction to the Government to consider his Ext.P9 appeal while challenging Ext.P8 order simultaneously.

6. As mentioned earlier, petitioner had joined the army after completing his studies sometime in the year 1971. He was discharged from the army in the year 1981. In his school records and in army records, the date of birth was shown as 7.7.1947. He joined in the Bank in the year 1984. It was after about 12 years that he had allegedly come across his horoscope which for the first time made him aware that his actual date of birth was 19.6.1949.

7. It is curious to note that petitioner has pressed into service Ext.P3 certificate from the Registrar of Births and

Deaths. According to the petitioner, the said certificate relates to him. But interestingly petitioner's name is not shown in the said certificate. The name shown in the certificate is that of one Dasan. When faced with this, it is contented by the petitioner that Dasan is his old name. Anyhow, this contention takes yet another curious turn. Petitioner submits that the Tahsildar of Quilandy Taluk has certified that the male child born to Sri.Chathu and Smt.Chiruthakutty shown in Ext.P3 certificate is none other than the petitioner himself. There is nothing on record to show as to how many children the parents of the petitioner had got. Petitioner does not have a case that he did not have any brothers.

8. There is yet another aspect of the issue. Petitioner knew that he was due to retire in July 2007. Even assuming petitioner had preferred Ext.P9 appeal as contended by him way back in the year 2000, there is no clue as to why he had not taken any steps to pursue the matter and get an order from the Government on that appeal. He has approached this court on the eve of his retirement.

9. Having regard to the entire facts and circumstances, I do not find any reason to grant any relief to the petitioner. I am not satisfied that any reliance can be placed on Exts.P3 and P4. It is trite that the courts shall be slow in allowing prayer for correction of date of birth, and that too at the fag end of the service career of a person. The contentions raised by the petitioner in support of his plea that he is entitled to get his date of birth corrected, are without any merit.

Writ petition is dismissed.

A.K.BASHEER, JUDGE

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